

Municipal Water Law

Conservancy Board Training

Ecology's HQ Building: February 15, 2005

Yakima Regional Office: Feb. 17, 2005

Spokane Regional Office: February 22, 2005

Water Resources Program
Department of Ecology

Purpose

- Inform, streamline, simplify for CB's
- Involve – get feedback

Approach

- Introduction
- Specifics to change applications
- Q & A

Major Provisions

- 💧 Defines a municipal water supply
- 💧 Resolves “pumps-and-pipes” certificates
- 💧 Authorizes expanding places of use tied to water system planning
- 💧 Connections not a limitation on a water right
- 💧 Increases State and local coordination
- 💧 Mandates conservation rule development

Coordination Efforts



What is a Municipal Water Supply?

- 💧 RCW 90.03.015(4) says (paraphrased):
 - 💧 Providing water for ≥ 15 connections
 - 💧 Providing residential use of water for ≥ 25 people for at least 60 days/yr
 - 💧 Governmental purposes by a city, town, PUD, county, sewer/water district

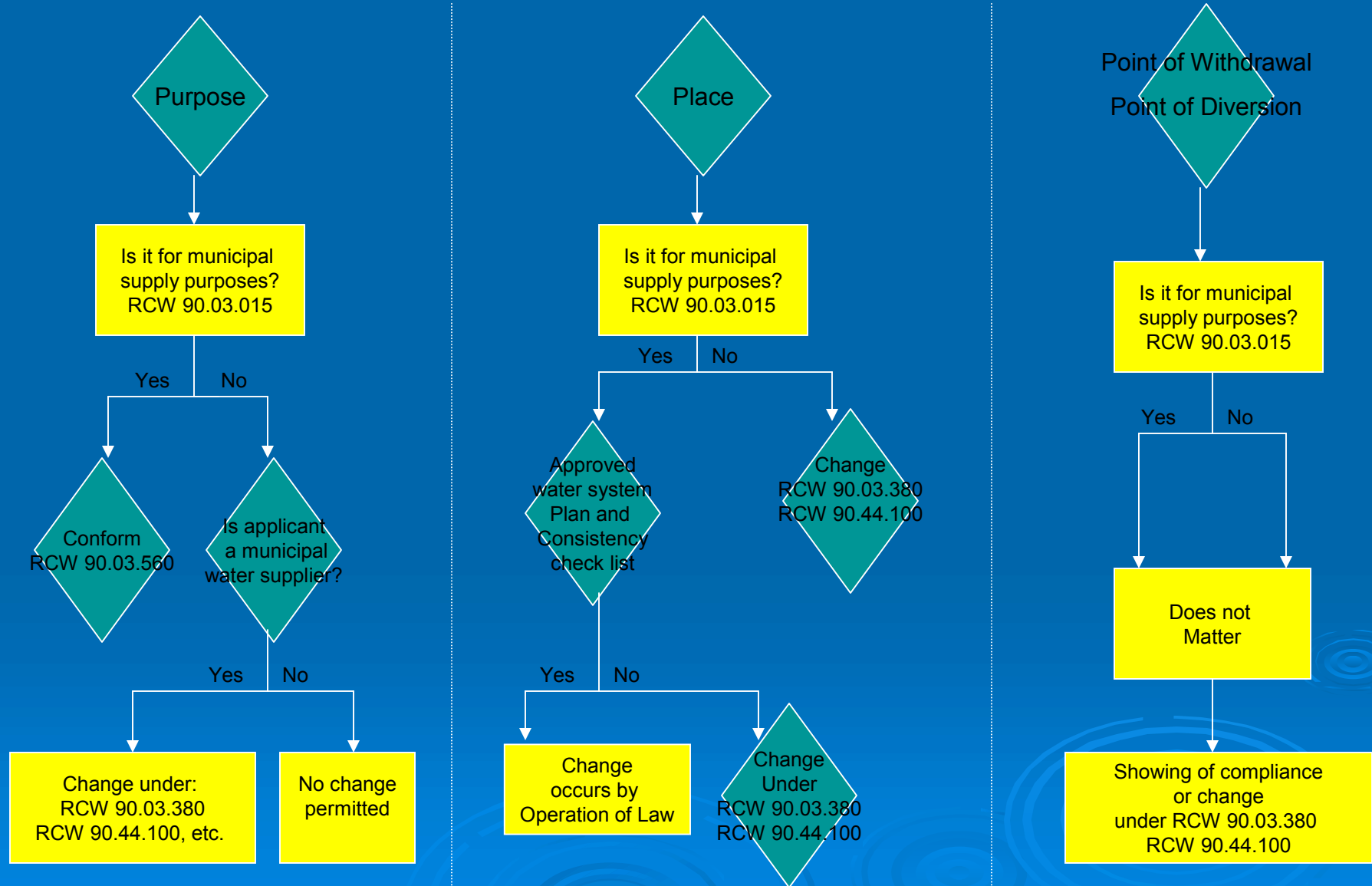
Who's In? Who's Out? Case-by-Case

- 💧 Group A Community Systems (In!)
- 💧 Group A Non-Community Systems (Depends!)
 - 💧 (In!) Most vacation homes, nursing homes, prisons, temporary housing—Key is “residential use”.
 - 💧 (Out!) Most restaurants, schools, daycares, factories.
- 💧 Group B Systems
 - 💧 (Out!) Stand-alone systems.
 - 💧 (Guidance Coming!) Connected to a Group A system or satellite-managed by a Group A.
- 💧 Governmental or governmental proprietary?
 - 💧 (In!) Domestic, commercial, industrial, fire flow, city services, irrigation of parks and open space . . .
 - 💧 (Out!) Agricultural Irrigation, others?

A Muni Submits a Change to My Board. What's Different Now?

- 💧 Purpose of Use
 - 💧 Conformance vs. change in purpose
- 💧 Place of Use
 - 💧 Status of water system planning
- 💧 Point of Diversion/Withdrawal
 - 💧 Nothing new—either change or showing of compliance

Summary: How Does the MWL Affect Changes?



Procedural Recommendations

💧 Purpose of Use

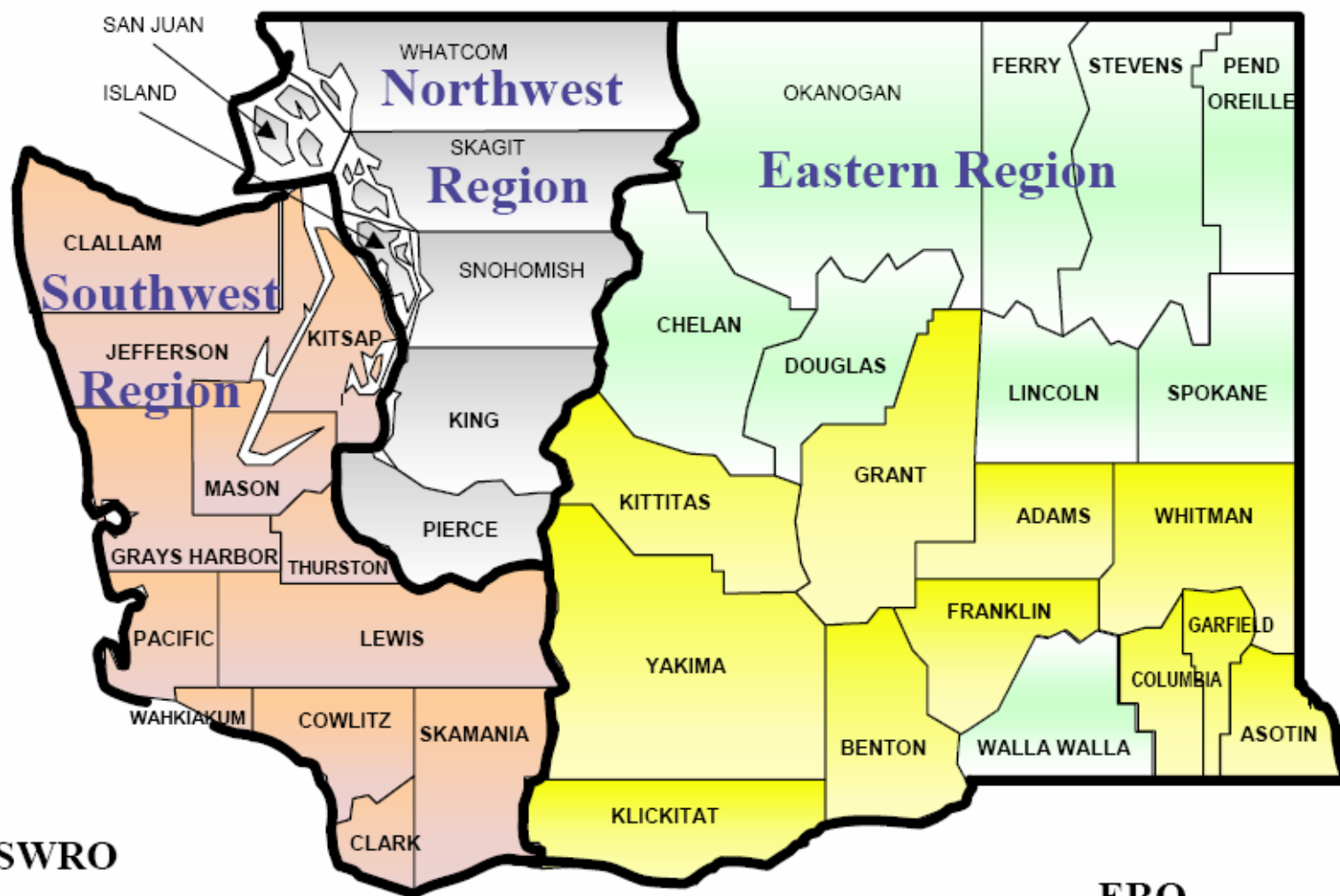
- 💧 Document municipal water supplier status in ROE.
- 💧 Identify that superseding documents be conformed or changed to municipal waters supply purpose.

💧 Place of use

- 💧 Contact DOH regional planner.
- 💧 Document status of water system planning and consistency checklist in ROE.
- 💧 Identify that place of use has changed by operation of law (if WSP + Consistency), or change it per RCW 90.03.380/90.44.100 (if no WSP + Consistency).

DOH Drinking Water Planner Assignments

10/1/2004



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What About Extent and Validity?

- 💧 A tentative determination of the extent and validity of a water right is required for every change. Why?
 - 💧 Supreme Court says so! (Twisp, Theodoratus, Sullivan Creek, etc.)
 - 💧 Perfected rights can be changed in ways unperfected rights cannot.
- 💧 Inchoate water for a municipal supply water right is “in good standing” (RCW 90.03.330) and may be developed consistent with the intent of the permit.
- 💧 Document perfected/unperfected balance in ROE.

What's on the Horizon?

1. Memorandum of Agreement with DOH on coordination of MWL implementation
2. Development of guidance documents and focus sheets
3. Training (Ecology, DOH, CB's +++)
4. Conservation Rulemaking

Web Information

DOH Office of Drinking Water

<http://www.doh.wa.gov/ehp/dw/default.htm>

- Interim Guidance on Municipal Water Law and information on water system planning

Ecology Water Resources Program

<http://www.ecy.wa.gov/programs/wr/wrhome.html>

- Focus sheets planned in 2005

Contacts for Conservancy Boards

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Q & A